

STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS

TO: Access America, Inc
Access America
Magda Gonzalez Aguilar a.k.a. Magda S. Gonzalez, President
Ricardo Antonio Diaz, Secretary
Edwin Omar Campos, COO and Loan Officer
Sandra Mejia, Loan Officer
870 Market Street, Suites 922 and 928
San Francisco, CA 94102
and
276 Avenue Alhambra #1045
El Granada, CA 94108

Henry Aguilar, Attorney-in-Fact
115 Santa Clara Street
Brisbane, CA 94005

DESIST AND REFRAIN ORDER
(For violations of section 22100 of the Financial Code)

The California Corporations Commissioner finds that:

1. Access America, Inc. does business under the name "Access America" and offers its services as a "Financial Lender" to the general public via use of their toll-free telephone number, (877) 777-7520. A general description of the services rendered includes seeking and securing financing for real estate purchases for investors, property owners and persons seeking to buy residential dwellings. Additionally, Access America, Inc. states it plans to resell its loans to other lenders.

2. Access America, Inc. is a Nevada corporation, which first filed to do business in California with the California Secretary of State's Office on July 30, 2003, stating its mailing address was 870 Market Street, Suite 922, San Francisco, California 94102. Access America, Inc. originally had its offices at that location in Suite 922, but subsequently moved to a larger office on the 9th floor, Suite 928, where it is now located.

3. Access America, Inc. has also filed a Fictitious Business Name Statement in at least two Northern California counties, San Francisco County and Santa Mateo County. However, the Fictitious Business Name Statement filed in San Mateo County

1 indicates that the business is located at 276 Avenue Alhambra, El Granada, California
2 94018.

3 4. Magda Gonzalez Aguilar, also known as Magda S. Gonzalez, is the
4 President of Access America, Inc. and is also a notary public who lists her business
5 address at 276 Avenue Alhambra, #1045, El Granada, CA 94018, one of the addresses
6 used by Access America, Inc. Henry Aguilar serves as the "Attorney-in-Fact" and
7 business manager of Access America, Inc. Ricardo Antonio Diaz is the Corporate
8 Secretary of Access America, Inc.; Edwin Omar Campos is its Chief Operations Officer
9 ("COO") and acts as a Loan Officer, along with Sandra Mejia. All of the foregoing
10 business and individual names hereinafter will be referred to as subjects.

11 5. Subjects inform the public that there are many programs for a borrower,
12 including 100% financing, and claim to have successfully arranged for financing and real
13 property loans for consumers. Subjects offer either fixed or adjustable rate mortgage
14 ("ARM") loans, the latter ARM loans have an adjustable rate term of between two and
15 five years, at a borrower's option. Subjects state that they are currently able to obtain
16 80% loan to value loans at interest rates ranging from 5.99% to 6.75%. Subjects tell
17 consumers that they can arrange for an appraisal of the real property for which a
18 consumer is seeking financing. Subjects advise consumers that they will arrange for a
19 credit report for the borrower and send it and the borrower's loan application to
20 companies that they deal with including, but not limited to, CMG Mortgage Inc. and Delta
21 Funding Corporation, licensed California Finance Lenders and Brokers, and WMC. In
22 exchange for these services, subjects receive compensation consisting of various fees
23 for the specific services they render. Subjects represent that they have in the past
24 completed the entire loan process in as few as four or five days. Subjects in
25 representing themselves to be licensed to act as brokers for real estate loans also
26 offered their services as brokers to several bona fide licensed California Financial
27 Lenders and Brokers including, but not limited to, Argent Mortgage Company, LLC and
28 New Century Mortgage Company.

1 6. To arrange for the above-described loans and financing arrangements,
2 subjects falsely state that they are licensed as a California Finance Lender and Broker.
3 To support these false statements subjects copied, printed, displayed and/or distributed
4 a counterfeit license containing the license number (603-8359) of a properly licensed
5 California Finance Lender and Broker. This license number was issued to a company
6 that has a similar name, Access Mortgage & Financial Corporation, which is unaffiliated
7 with subjects and has not granted subjects the right to use its name or license number.
8 The counterfeit license distributed by subjects appears to include the letterhead used by
9 the Office of the California Secretary of State with the street address for the Department
10 of Corporation's Office in Los Angeles, and bears the seal of the State of California in the
11 lower left corner. The counterfeit license falsely states that on 23 August 2003:

12 **ACCESS AMERICA INC [sic]**
13 **DBA ACCESS MORTGAGE & FINANCIAL**
14 **has been issued a**
15 **FINANCIAL LENDER LICENSE NUMBER 603-8359**

16 7. Subjects made statements about their business and the conditions for
17 making or negotiating loans that were false and misleading or omitted material
18 information in violation of section 22161 of the California Financial Code.

19 a. Misleading statements include the following:

- 20 (1) Access America, Inc. was licensed by the Department
21 of Corporations to act as a California Finance Lender and
22 Broker;
23 (2) Access America, Inc.'s license number was 603-8359, and
24 (3) Subjects were affiliated with Access Mortgage & Financial
25 Corporation.

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b. Material omissions of fact include the following:

- (1) Subjects omitted to disclose that they did not possess a license to act as a finance lender or broker;
- (2) Subjects were using the license number and business name of another California Finance Lender and Broker without its permission, and
- (3) Subjects had a pending application for a California Finance Lender and Broker license that had not been approved by the Department of Corporations.

8. The Department of Corporations has jurisdiction over and regulates finance lenders and brokers under the California Finance Lenders Law found in California Financial Code section 22000 et seq. California Financial Code section 22100 states:

No person shall engage in the business of a finance lender or broker without obtaining a license from the commissioner.

California Financial Code section 22004 sets forth the definition of "broker" and states:

"Broker" includes any person who is engaged in the business of negotiating or performing any act as broker in connection with loans made by a finance lender.

California Financial Code section 22009 defines a "finance lender" in part as follows:

"Finance lender" includes any person who is engaged in the business of making consumer loans or making commercial loans.

9. The Department of Corporations has not issued a license authorizing Access America, Inc.; Access America; Magda Gonzalez Aguilar; Magda S. Gonzalez; Henry Aguilar; Ricardo Antonio Diaz; Edwin Omar Campos and Sandra Mejia to act as a finance lender or broker. These subjects are not exempt from the license requirement under section 22100 of the California Financial Code.

Based upon the foregoing findings, the California Corporations Commissioner is of the opinion that Access America, Inc.; Access America; Magda Gonzalez Aguilar;

Magda S. Gonzalez; Henry Aguilar; Ricardo Antonio Diaz; Edwin Omar Campos and Sandra Mejia are subject to the California Finance Lenders Law and have engaged in business as a finance lender or broker without having first applied for and secured from the Commissioner a license, then in effect, authorizing them to act in that capacity in violation of section 22100 of the California Financial Code.

Pursuant to section 22712 of the California Financial Code, Access America, Inc.; Access America; Magda Gonzalez Aguilar; Magda S. Gonzalez; Henry Aguilar; Ricardo Antonio Diaz; Edwin Omar Campos and Sandra Mejia are hereby ordered to desist and refrain from engaging in business as a finance lender or broker in the State of California, unless and until a license is obtained under said law or unless exempt.

This Order is necessary, in the public interest, for the protection of consumers.

Dated: February 11, 2004
Los Angeles, California

WILLIAM P. WOOD
California Corporations Commissioner

By _____
ALAN S. WEINGER
Supervising Counsel
Enforcement and Legal Services